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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
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11 Plaintiff,
12 v.
13 MARK BAUTISTA SERRANO,
14 Defendant.

Case No. CR17-223RSL

ORDER GRANTING
MOTION TO CONTINUE
TRIAL DATE AND
PRETRIAL MOTIONS
DEADLINE

15 This matter comes before the Court on defendant's unopposed "Motion to Continue Trial
16 Date and Pretrial Motions Deadline." Dkt. # 25. Having considered the facts set forth in the
17 motion, the defendant's knowing and voluntary waiver, and defense counsel's representation
18 that the United States does not oppose this motion, the Court finds as follows:

19 1. The Court adopts the facts set forth in the unopposed motion. Specifically, that
20 Mr. Serrano's current attorney was substituted as counsel December 20, 2017, and that counsel
21 has been given more than 360 pages of discovery that still require review. The Court
22 accordingly finds that a failure to grant a continuance would deny counsel the reasonable time
23 necessary for effective preparation, taking into account the exercise of due diligence, within the
24 meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

25 2. The Court finds that a failure to grant a continuance would likely result in a
26 miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

27 3. The Court finds that the additional time requested is a reasonable period of delay,
28 as defense counsel needs additional time review discovery, to investigate the matter, to gather

1 evidence material to the defense, and to consider possible defenses; and that the additional time
2 requested between the current trial date of February 5, 2018, and the proposed trial date of May
3 21, 2018 is necessary to provide defense counsel reasonable time to prepare for trial considering
4 all of the facts set forth above.

5 4. The Court further finds that such a continuance would serve the ends of justice,
6 and that these factors outweigh the best interests of the public and the defendant in a more
7 speedy trial, within the meaning of 18 U.S.C. § 3161(h)(7)(A).

8 5. Defendant has signed a waiver indicating that he has been advised of his right to a
9 speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived
10 that right and consented to the continuation of his trial to a date up to and including June 30,
11 2018, Dkt. # 26, which will permit trial to start on May 21, 2018, per defense counsel's request.

12 IT IS HEREBY ORDERED that the trial date be continued from February 5, 2018, to
13 May 21, 2018.

14 IT IS FURTHER ORDERED that the pretrial motions cutoff date be continued to April
15 23, 2018.

16 IT IS FURTHER ORDERED that the period of time from the current trial date of
17 February 5, 2018, up to and including June 30, 2018, shall be excludable time pursuant to the
18 Speedy Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to the filing and
19 granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§
20 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B).

21 DATED this 9th day of January, 2018.

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25 Robert S. Lasnik
26 United States District Judge
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